

REMARKS

This Response and Amendment is submitted in response to a non-final Office Action mailed March 31, 2006.

Claims 1-13 and 16-25 are rejected under 35 U.S.C. § 101 because the claimed invention allegedly lacks concreteness and clarity. Claims 19-25 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly not tangible. Claims 1-13 and 16-25 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,717,593 to Jennings (hereinafter "Jennings") in view of "Compilers: Principles, Techniques, and Tools" by Aho, *et al.* (hereinafter "Aho").

Applicants have amended claims 1 and 19. The amendments add no new matter, and support for the amendments may be found in the specification and claims as filed.

Applicants respectfully traverse Examiner's rejections and request reconsideration of the Application in light of the amendments above and the remarks below.

I. Claims 1-13 and 16-25 - § 101

Claims 1-13 and 16-25 are rejected under 35 U.S.C. § 101 because the claimed invention allegedly lacks concreteness and clarity. Claims 19-25 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly not tangible.

Applicants have amended claims 1 and 19 as suggested by the Examiner in the Office Action.

Also, Applicants note that the Court of Appeals for the Federal Circuit has stated explicitly that software is patentable. *AT&T Corp. V. Excel Communications, Inc.* 172 F.3d 1352, 1357 (C.A.Fed. 1999). In discussing the *Diehr* decision, the court stated, "the argument for the opposite result, that 'the term 'algorithm' ... is synonymous with the term 'computer program'," and thus computer-based programs as a general proposition should not be patentable, was made forcefully in dissent by Justice Stevens; his view, however, was rejected by the *Diehr* majority." *Id.* (citations omitted).

Further, the current MPEP, Eighth Edition includes Examination Guidelines for Computer-Related Inventions. According to the MPEP, the guidelines are "equally applicable to claimed inventions implemented in hardware or software." See MPEP §

2106. The Patent Office has also recently published Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility. OG Notices: 22 November 2005. According to the Interim Guidelines, "[t]he tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing."

Accordingly, Applicants request that the rejection of claims 1 and 19 be withdrawn. Claims 2-13, 16-18, and 20-25 depend from either claim 1 or claim 19. Applicants respectfully request that the rejection of these claims be withdrawn as well.

I. Claims 1-13 and 16-25 - § 103(a)

Claims 1-13 and 16-25 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Jennings in view of Aho. One of the criteria for a prima facie case of obviousness is that "the prior art reference (or references when combined) must teach or suggest all the claim limitations." *See* MPEP § 2143. The cited references do not teach or suggest all the claim elements of claim 1-13 and 16-25.

Claims 1 and 19 are independent claims. In claim 1, as amended, Applicants claim a computer-implemented method comprising "receiving a predefined application-specific grammar; [and] automatically generating a parser computer program based on the predefined application-specific grammar using an automated parser generator tool." The parser is used for "scanning any of (i) the markup-language stream and (ii) a corresponding document object model (DOM) to generate tokens; and parsing the tokens with the parser computer program to identify one or more UI objects." Jennings combined with Aho does not teach all of the limitations of claim 1.

The Office Action states that Jennings teaches the use of an application-specific grammar. Office Action, page 6 (citing Jennings, col. 7:53-65). However, Jennings does not describe "generating a parser computer program based on [a] predefined application-specific grammar" as claimed in claim 1. Rather, Jennings describes evaluating elements of an HTML page to determine whether or not they are "native" to the browser. Jennings does not differentiate between multiple applications executing within the same browser. And while Aho does describe generating a parser using a grammar, Aho does not

describe generating a parser based on a "predefined application-specific grammar" as is claimed in claim 1.

Thus claim 1 is patentable over Jennings in view of Aho. Claim 19 includes similar limitations and is also allowable over Jennings in view of Aho. Accordingly, Applicants request that the rejection of claims 1 and 19 be withdrawn. Claims 2-13, 16-18, and 20-25 depend from either claim 1 or claim 19. Applicants respectfully request that the rejection of these claims be withdrawn as well.

IV. Conclusion

Applicants respectfully submit that claims 1-13 and 16-25 are allowable. A favorable Office Action is respectfully solicited.

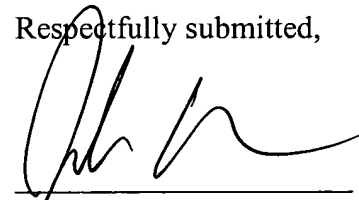
Should the Examiner have any comments, questions or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

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Respectfully submitted,

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